

EXHIBIT A



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
JOINT FORCE HEADQUARTERS
CAMP MURRAY, WA 98430

NGWA-RRB-Z

15 June 2021

MEMORANDUM FOR COMMANDER, Recruiting and Retention Battalion, Camp
Murray, Washington 98430

SUBJECT: Memorandum of Findings and Recommendations for Army Regulation (AR)
15-6 Investigation Concerning SSG Joshua C. Harrod, Sending explicit picture via cell
phone.

1. **Background.** On 1 June 2021, you appointed me to conduct an informal AR 15-6
Investigation into the circumstances surrounding explicit picture being sent that
occurred on or about 24 May 2021. The following are my findings and
recommendations with regard to this incident.

2. **Findings.** My findings are divided into the facts surrounding the circumstances of
explicit picture being sent and the conclusions I have made from those facts.

a. **Facts.**

(1) On Monday, 24 May 2021 at 1203hrs, SFC A [REDACTED] sent a message to his
team stating "I need names of no s [REDACTED] people you guys have going down next month to
Meps. Need the names ASAP please". Members of the team started providing names
as requested. At 1326hrs a response came from SSG Harrod's personal phone number
with a picture of an erect penis. At 1326hrs, SGT S [REDACTED] responded with "What the
f [REDACTED]." At 1327hrs, SFC A [REDACTED] sent a message stating "Everyone delete that from your
phones right now!". At 1327hrs, SSG A [REDACTED] responded with "A big line has just
been crossed". SGT B [REDACTED], SGT S [REDACTED], SSG A [REDACTED], SSG A [REDACTED] all
confirmed they had deleted the image. At 1356hrs, SFC A [REDACTED] sent the message "No
one is to speak about this incident to anyone! Is that understood.", SGT B [REDACTED] SGT
S [REDACTED], SSG [REDACTED] SSG A [REDACTED] SSG L [REDACTED] confirmed.

(2) On Monday, 24 May 2021 at 1355hrs, SFC [REDACTED] sent SSG Harrod a
message to his personal phone "Hey I need you to be at the lacey office at 1730". At
1358hrs, SSG Harrod responded from his personal phone "Ok heading to Olympia Now
have to get a new phone". At 1401hrs, SFC A [REDACTED] responded "What happened to
yours". At 1403hrs, SSG Harrod replied "It go kipped this morning out here in wonderful
grays harbor". At 1416hrs, SFC A [REDACTED] responded, "Did you try to find my iPhone app?
All you need is your Apple ID and email". At 1417hrs, SSG Harrod replied "All I was
able to do from this phone when I call att was shut it off", and at 1419hrs, "I wasn't able
to get it to sync". At 1648hrs, SSG Harrod replied, "9377912898 is my new number"

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and at 1450hrs "So I can only imagine what this is about considering what people are texting me back when I told them I have a new number".

(3) On Monday, May 24 2021 at 1601hrs, MSG H [REDACTED] texted SSG Harrod on his personal cell, the phone number the explicit picture was sent from, "SSG Harrod, You will report to my office at 1730h for a counseling due to your inappropriate behavior." At 1601hrs, MSG H [REDACTED] send a second message "Acknowledgement is required SSG.". At 1647hrs, SSG Harrod replied "Acknowledged and this is my new number". At 1746, MSG H [REDACTED] sent another message to SSG Harrod's "stolen" phone number, "Directions are the same, refrain contact with the team until inquiry is complete. MAJ D [REDACTED] will have further guidance tomorrow." which was marked "Delivered". At 1757, SSG Harrod responded with "Copy".

(4) On Monday 02 June 2021, I was provided appointment orders and copies of all sworn statements from Service Members involved. On reviewing SSG Harrod's statement he states the phone went missing while he was doing recruiter canvassing. SFC A [REDACTED] asked SSG Harrod to be as detailed as possible, with times and dates, however, SSG Harrod's statement is noticeably vague.

(5) The clothing in the offending image has been recognized by MSG H [REDACTED], SFC A [REDACTED], SSG A [REDACTED] and SGT S [REDACTED] as a National Guard Recruiting Sweatshirt, circa 2014, based on the grey pattern on the sleeve as shown in the picture on the left hand side. This sweatshirt is no longer widely worn within the force. MSG H [REDACTED], SFC A [REDACTED] and SSG A [REDACTED] recognized this sweatshirt as PT clothing frequently worn by SSG Harrod. Per SFC A [REDACTED] no one else on the team wears that sweatshirt. By connecting SSG Harrod as the sender and the Sweatshirt, it is reasonable to assume it is in fact SSG Harrod depicted in the image.

(6) SSG Harrod attended SHARP and EO Training with his Area on 06 NOV 2020.

(7) SSG L [REDACTED] the assigned EO/EEO Specialist, is conducting a concurrent SHARP investigation. SSG L [REDACTED] provided the following IRR/EO Case Numbers for this incident:

- a. SGT S [REDACTED] [REDACTED]: I-2021-214-WA-A-S
- b. SSG A [REDACTED] I-2021-215-WA-A-S

(8) Based on the evidence, SSG Harrod provided a False Official Statement in violation of RCW 38.38.748. SSG Harrod's sworn statement, dated 20210524, states the phone was stolen however, he responded to texts with MSG H [REDACTED] after the phone was declared missing. Based on the context, it is evident that SSG Harrod was the individual who responded.

(9) On 14 June 21, SSG Harrod invoked his rights on the DA Form 3811. As such, I was unable to question him concerning this investigation.

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(10) It should be noted that several of the SSG Harrod's co-workers stated that SSG Harrod was dealing with a tough divorce and the potential removal of rights to see his children. While this assists with understanding SSG Harrod's personal situation, it would not excuse the fact that the offending image was sent, accidental or not.

b. Conclusions.

(1) An explicit picture from SSG Harrod's personal phone was sent to a work related group chat via text message. SSG Harrod provided a sworn statement to his assistant NCOIC, SFC A [REDACTED], explaining that his phone was missing which appears to be a false statement. SSG Harrod appears to have responded to text messages on his personal phone that was reported as missing after he reported it missing. SSG Harrod did not deny sending the picture in question in his sworn statement.

(2) The facts establish by a preponderance of the evidence that SSG Harrod sent the offending picture. It does not appear that the picture was intended for anyone in the group chat. There is no evidence suggesting that it was meant for a fellow service member. The likely cause of the incident is that the offending picture was accidentally sent to the wrong text recipient. This is still a violation of Army SHARP policies.

(3) Furthermore, the facts establish by a preponderance of the evidence that SSG Harrod lied about losing his phone to explain the cause of the offending picture to the work-related group chat. This caused him to provide a false statement via Sworn Statement and in verbal communications with his leadership.

(4) Based on the evidence I was able to determine SSG Harrod sent the explicit sexual image from his personal cell phone.

(5) Based on the evidence available to me, I was not able to determine beyond a reasonable doubt, who was in the picture. If it was SSG Harrod's image, he lied about sending it. If it is not SSG Harrod's image, he did not have consent from the subject to send the image, which is in violation of UCMJ Article 117a (a) (C).

(6) Based on the evidence, there is no pattern of similar behavior by SSG Harrod or any of his Area team members.

(7) Based on the evidence, I was unable to determine who the target of the explicit image. SSG A [REDACTED] suggested that it was intended for SGT S [REDACTED] but there is no evidence to support that. No other member of the team felt that the target was any member of the team. Based on the evidence available, it is my belief that the image was sent to the group text accidentally.

(8) Based on the evidence, I found no evidence of SSG Harrod or any member of his team having inappropriate contact with recruits or applicants. I did not interview any of the applicants or recruits based on the subject matter and the potential damage to the Washington National Guard's image and potential impact to End Strength of the

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organization. If the Command deems it necessary, I will interview all individuals on the Applicant/Recruit list I obtained during the investigation. Again, I found no evidence that there is a pattern of this behavior by SSG Harrod with Service Members or applicants.

(9) Based on the evidence, I was able to determine this does not constitute sexual harassment as defined in CNGBI 9601.01. This was an isolated incidence and is not regarded as discriminatory.

(10) SSG Harrod refused to waive his rights and be interviewed by me after providing a sworn statement to his Area Assistant NCOIC, SFC A [REDACTED]. If the Command deems necessary, I can interview SSG Harrod with his legal representation present.

(11) A Suspension of Favorable Action Flag for Commander's Investigation was initiated for SSG Harrod on 02 JUN 2021 pending the outcome of the investigation.

(12) SSG Harrod was removed from Recruiting and Retention NCO duties and assigned to the Lakewood storefront on 10 JUN 2021.


3. Recommendations. In view of the above findings, I recommend that you take the following action:

a. By sending the explicit sexual image, intended or not, SSG Harrod is in violation of UCMJ Article 117a, Wrongful broadcast or distribution of intimate visual images as specified in paragraph (a) (1) (c) or without explicit consent. Conduct of this type warrants an immediate SFPA Flag for Adverse Action and will require a Recruiting and Training Cadre Suitability Review at the NGB Level. If a Suitability Waiver is not approved, he should be removed from his position of trust as a Recruiting and Retention NCO.

b. By providing a false statement, SSG Harrod is in violation of Washington Code of Military Justice, RCW 38.38.744, Article 107, False Official Statements. SSG Harrod should be reprimanded in writing by the RRB Commander or higher.

c. At a minimum, SSG Harrod should be retrained in SHARP to ensure he has a clear understanding that, accidental or not, he is in violation of SHARP when explicit pictures are sent to other Service Members.

4. Point of contact is the undersigned at steven.t.beecroft.mil@mail.mil or 253-512-8927.

 Digitally signed by
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Date: 2021.06.30
15:13:34 -07'00'

STEVEN T. BEECROFT
MAJ, FA
Investigating Officer